



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

1/2

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,907	08/13/2001	Hiroshi Yamamoto	SCET 18.919	8065
26304	7590	07/01/2005	EXAMINER	
KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585			FIELDS, COURTNEY D	
			ART UNIT	PAPER NUMBER
			2137	
DATE MAILED: 07/01/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/928,907	YAMAMOTO ET AL.
	Examiner Courtney D. Fields	Art Unit 2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 August 2001.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-39 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-39 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/10/02, 04/25/05</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

1. Claims 1-39 are pending.

### *Information Disclosure Statement*

2. The Information Disclosure Statements respectfully submitted on 10 January 2002 and 25 April 2005 have been considered by the Examiner.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3,6-8,11-13,16-18,21-29,32-34,37-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Glover (US Patent No. 6,052,780).

Regarding claims 1,11,23, and 27, Glover discloses an information processing method, apparatus, medium and program product:

storing thereinto an encrypted protective object including a procedure capable of terminating a process operation due to invalidity of a protect code contained in an executable module (See Column 8, lines 51-61)

decrypting means for reading the encrypted protective object from the storage means and decrypting the encrypted protective object (See Column 8, lines 61-67, Column 9, lines 1-9)

code writing means for causing the protect code to be contained in an executable module generated by linking the decrypted protective object with another object and (See Column 9, lines 9-35)

deleting means for deleting the decrypted protective object after the decrypted protective object has been linked with another object (See Column 10, lines 28-47)

Regarding claims 2,12,24, and 28, Glover discloses an information processing method, apparatus, medium and program product:

storage means for storing thereinto an encrypted protective object including a procedure capable of terminating a process operation due to invalid relationship between a first protect code and a second protect code contained in an executable module (See Column 7, lines 48-61 and Column 8, lines 51-61)

decrypting means for reading the encrypted protective object from the storage means and decrypting the encrypted protective object (See Column 8, lines 61-67, Column 9, lines 1-9)

code generating means for generating the first protect code, and the second protect code related to the first protect code (See Column 8, lines 30-50)

code writing means for embedding the first protect code into the decrypted protective object, and for embedding the second protect code into the executable module when the executable module is generated by linking with another object the protective object into which the first protect code has been embedded, and (See Column 6, lines 54-67, Column 7, lines 1-6, and Column 9, lines 9-35)

deleting means for deleting the protective object into which the first protect code has been embedded before the second protect code is embedded (See Column 10, lines 28-47)

Regarding claims 3,13, and 29, Glover discloses the claimed limitation wherein the code generating means generates both the first protect code and the second protect code from a random number (See Column 9, lines 60-67 and Column 10, lines 1-5)

Regarding claims 6,16, and 32, Glover discloses the claimed limitation wherein code writing means encrypts the protect code to be contained in the executable method and the protective object includes a procedure for decrypting the encrypted protect code contained in the executable module when the protect code is checked (See Column 10, lines 1-18)

Regarding claims 7,8,17,18,33 and 34, Glover discloses the claimed limitation wherein code writing means encrypts the first protect code and the second protect code both to be contained in the executable module, and the protective object includes a procedure for decrypting the encrypted first protect code and the encrypted second protect code contained in the executable module when the first and second protect codes are checked (See Column 11, lines 6-26)

Regarding claims 21 and 37, Glover discloses a machine readable storage medium and software product stored within an object to be process by an information processing apparatus, wherein an encrypted protective object is stored into the storage medium and the encrypted protective object contains a procedure capable of terminating a process operation when there is invalidity in one or more protect codes

contained in an executable module with the protective object incorporated therein (See Column 2, lines 35-67)

Regarding claims 22 and 38, Glover discloses the claimed limitation wherein the protect code contained in the executable module is encrypted, the protective object includes a procedure capable of decrypting the encrypted protect code prior to a checking operation of the protect code (See Column 21, lines 10)

Regarding claims 25 and 39, Glover discloses a machine readable storage medium and software product stored with an executable module, the executable module being executed by an apparatus capable of executing an executable module assembled by linking a plurality of objects with each other, wherein:

the plurality of objects contain a library object, and the library object contains a procedure capable of checking whether or not there is invalidity in at least one protect code and also of terminating a process operation of the executable module in response to the checking result and the executable module has at least one protect code embedded thereinto (See Column 14, lines 36-67, Column 15, lines 1-9)

Regarding claim 26, Glover discloses an entertainment apparatus for executing an executable module generated by linking a plurality of objects with each other, comprising:

a first protect code contained in one or the plural objects and a second protect code are contained in the executable module, means for checking a relationship therebetween, and means for terminating a process operation of the executable module when the relationship is invalid (See Column 15, lines 10-33)

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4,5,14,15,30, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glover (US Patent No. 6,052,780) in view of Watanabe (US Patent No. 6,6067,626). Regarding claims 1-3,6-8,11-13,16-18,21-29,32-34,37-39, Glover discloses the invention as claimed above. However, Glover does not explicitly disclose means for adding dummy data to protect code within an information processing unit. Regarding claims 4,5,14,15,30, and 31, Watanabe discloses the claimed limitation wherein code writing means add dummy data to the information processing unit to protect code (See Column 5, lines 46-67, Column 6, lines 1-67, and Column 7, lines 1-3) Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to modify Glover's digital information system by combining Watanabe's dummy data information processing device. This will ensure receiving valid code sent to the information processing unit to be protected at all times (See Watanabe Column 2, lines 51-64)

Regarding claims 9,10,19,20,35 and 36, (Glover as modified) discloses the claimed limitation wherein code writing means encrypts the first protect code and the second protect code both to be contained in the executable module, and the protective

Art Unit: 2137

object includes a procedure for decrypting the encrypted first protect code and the encrypted second protect code contained in the executable module when the first and second protect codes are checked (See Glover, Column 11, lines 6-26)

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney D. Fields whose telephone number is 571-272-3871. The examiner can normally be reached on Mon - Thurs. 6:00 - 4:00 pm; off every Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*CDF*  
cdf  
June 25, 2005

*Matthew A. Smithers*  
MATTHEW SMITHERS  
PRIMARY EXAMINER  
*Art Unit 2137*